

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HARRINGTON GLOBAL OPPORTUNITY
FUND, LIMITED,

Plaintiff,

v.

CIBC WORLD MARKETS CORP., *et al.*,

Defendants.

Civil Action No. 1:21-cv-00761 (LGS)

Hon. Lorna G. Schofield

**STIPULATION AND [PROPOSED] ORDER REGARDING
PLAINTIFF’S PROPOSED SECOND AMENDED COMPLAINT**

Plaintiff Harrington Global Opportunity Fund, Limited (“Plaintiff”) and Defendants CIBC World Markets Corp., CIBC World Markets Inc., TD Securities, Inc., TD Securities (USA) LLC, BofA Securities, Inc., and Merrill Lynch Canada, Inc. (together, “Defendants” and collectively with Plaintiff, the “Parties”), by and through their respective undersigned counsel of record, stipulate as follows:

WHEREAS, on November 30, 2022, the Court ordered the parties to submit a jointly proposed stipulation and order setting forth a schedule for Plaintiff to file a second amended complaint and briefing on Defendants’ anticipated motion to dismiss that complaint (ECF No. 128),

NOW, THEREFORE, PLAINTIFF AND DEFENDANTS HEREBY STIPULATE AND AGREE, as follows:

1. Plaintiff shall file the Second Amended Complaint no later than 7 days after the Court so-orders this Stipulation.
2. Defendants shall move to dismiss the Second Amended Complaint no later than 40 days after Plaintiff files the Second Amended Complaint.

3. Plaintiff shall file its brief in opposition no later than 40 days after Defendants move to dismiss the Second Amended Complaint.

4. Defendants shall file any brief in reply no later than 20 days after Plaintiff files its Opposition to Defendants' Motion to Dismiss.

5. Consistent with the Private Securities Litigation Reform Act, 15 U.S.C. § 78(u)–4(b)(3)(B), discovery is stayed as of the date the Court so-orders this Stipulation until the Court's decision concerning Defendants' motion to dismiss.

6. By entering into this Stipulation and consenting to the filing of the Second Amended Complaint, Defendants do not waive and explicitly preserve any and all defenses or arguments they may possess concerning the futility of the Second Amended Complaint, including without limitation any arguments that the Second Amended Complaint is untimely under the statute of limitations and the statute of repose.

Dated: December 9, 2022
New York, New York

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*Counsel for Defendants CIBC World
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SO ORDERED:

Dated: December ____, 2022
New York, New York

Hon. Lorna G. Schofield
United States District Judge